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REMARKS

Applicants wish to thank the Examiner for the attention accorded to the instant application. In light of the present amendment, it is respectfully requested that the rejections based on 35 U.S.C. §102(b) and §103(a) be withdrawn.

With respect to the Examiner's rejections of claims 1-6, 34, 36 and 37 based on 35 U.S.C. §102(b) as being anticipated by Shun et al, U.S. Patent No. 6,127,061 ("Shun"), it is respectfully submitted that the present amendments overcome the rejections.

The amendment to claim 1 incorporates the feature that "the first and second electrode remain connected during recharging" of claim 2. This is described in the specification, for example, at page 12, line 8 et seq., and Figures 6(c), 7, 8, 10 and 13 of the instant application.

This is in contrast the depiction in Figure 10 of Shun, cited by the Examiner in discussion of the rejection of claim 2, whereby a switching element is provide to isolate the anode and discharging electrode from the load (e.g., see Shun col. 13, lines 21 et. seq., "During the recharging cycle, the load 38 between air-cathode 10 and anode 36 is disconnected such as by switch 202 shown for purposes of explanation only....").

Therefore, amended claim 1, including the limitations of now canceled claim 2, should be allowable.

Claim 3 has been further amended to clarify that the isolation is during recharging. Shun does not disclose that the first and second electrode remain connected during recharging, and that the second electrode is in isolation from the voltage across the first electrode and the third electrode when the cell is recharged, since the switch removes

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the connection during recharging in the system of Shun.. Claim 4 has been amended to remove the switch as a device for effectuating isolation.

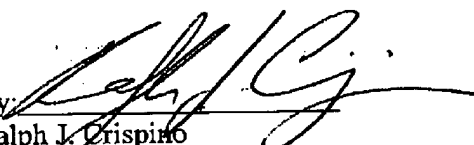
Claim 5 has incorporated the limitation of now canceled claim 6 similarly to the amendment to claim 1. Claims 34, 36 and 37 depend from amended claim 5. Therefore, claims 5, 34, 36 and 37 should now be allowable.

With respect to the Examiner's rejections of claims 7-33 and 35 under 35 U.S.C. §103(a) as being unpatentable over Shun and Divan et al. U.S. Patent No. 5,659,237 ("Divan"), it is respectfully submitted that the above discussed amendments to the parent claims 1 and 5 overcome the rejections.

Further, particularly regarding the rejections of claims 28-33, it is respectfully submitted that Divan does not disclose use of capacitors as charging elements, rather to compensate for frequency ripple and unequal inductances.

The amendments herein do not introduce any new matter. It is believed that the claims herein should be allowable to Applicants. Accordingly, allowance is respectfully requested.

Respectfully submitted,

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Date: December 5, 2003  
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